IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 13825 of 2007(U)

PETITIONER:

M.M. MUKUNDAKUMAR, AGED 45 YEARS,
S/O.MADHAVAN NAIR, MUKUNDAVILASAM,
KOODAPPULAM P.O., RAMAPURAM, PIN-686 576,
KOTTAYAM DISTRICT.
(MEMBER, WARD NO.XIV, RAMAPURAM PANCHAYATH).

BY ADV. SRI.C.S.MANU
SRI.S.K.PREMRAJ
SRI.ANOOP JOSEPH
SRI.ANOOP.V.NAIR
SRI.ABHILASH AKBAR

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT OF KERALA,
DEPARTMENT OF EXCISE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR, KOTTAYAM.

3. EXCISE COMMISSIONER,
THIRUVANANTHAPURAM.

4. ASSISTANT EXCISE COMMISSIONER,
KOTTAYAM.

5. CIRCLE INSPECTOR OF EXCISE, PALA.

6. EXCISE INSPECTOR,
EXCISE RANGE, PALA.

7. T.G. RAJU, S/O.GOPINATHAN NAIR,
THUNDATHIMYALIL, RAMAPURAM VILLAGE,
RAMAPURAM P.O., KOTTAYAM.

8. P.N . VIJAYAN, S/O.NARAYANAN,
PULLANAPPALLICHIRAYIL HOUSE,
PULIKKATTISERIKARA, AYMANAM VILLAGE,
KOTTAYAM TALUK.

9. I.D. RAJU, S/O.DAMODHARAN,
THEVARKATTIL HOUSE, PANAMATTAM KARA,
ELAMKULAM VILLAGE, KANJIRAPPILLY.

BY GOVT. PLEADER SMT. ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 13825 OF 2007 **APPENDIX**

Petitioner's Exhibits

Ext.P1: True photostat copy of Petition dated 15-4-2007 submitted by the petitioner and 70 others before the 2nd respondent

S.SIRI JAGAN. J.

W.P.(C) No.13825 of 2007

Dated this the 21st day of June 2007

JUDGMENT

Petitioner, along with others, has filed Ext.P1 application before the District Collector seeking shifting of a toddy shop in their locality which is a nuisance to the inhabitants of that locality. However the power to order the shifting of toddy shop on account of nuisance, rests with the 3rd respondent. If the petitioner files a suitable petition before the 3rd respondent Excise Commissioner, within two weeks along with a copy of this judgment the Excise Commissioner shall consider the same and pass appropriate orders after affording an opportunity of being heard to the petitioner and those concerned including respondents 7 to 9 within two months of receiving a copy of this judgment.

Writ petition is disposed of with the above directions.

S.SIRI JAGAN, JUDGE

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